

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CUMBERLAND HEIGHTS FOUNDATION,)
INC.,)

Plaintiff,)

v.)

MAGELLAN BEHAVIORAL HEALTH, INC.)

Defendant.)

No. 3:10-cv-00712

Judge Nixon/Magistrate Judge Griffin


AGREED ORDER OF DISMISSAL

It appears to the satisfaction of the Court, as evidenced by the signatures of counsel for the parties below, that the parties have agreed that all claims for relief requested in Plaintiff's Verified Complaint and Motion for Injunctive Relief (Dkt. #1-1) and the subsequently filed Motion for Preliminary Injunction (Dkt. #19), which consisted of Plaintiff's requests for temporary/injunctive relief pending arbitration, have been addressed by the Court in its Order of September 7, 2010 (Dkt. #47). The Court denied Plaintiff's request for temporary/preliminary injunctive relief pending arbitration. The parties further agree that this action should be dismissed with prejudice as to Plaintiff's claims for temporary/preliminary injunctive relief pending arbitration, but without prejudice as to Plaintiff's contractual right to pursue arbitration.

Accordingly, it is hereby ORDERED that Plaintiff's Verified Complaint and Motion for Injunctive Relief filed against Defendant is **DISMISSED with prejudice**, as to Plaintiff's claims for temporary/preliminary injunctive relief pending arbitration.

It is further ORDERED that the dismissal of this action is **without prejudice** as to Plaintiff's contractual right to pursue arbitration.

IT IS SO ORDERED.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

AGREED TO AND SUBMITTED FOR ENTRY:

s/George Nolan

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Attorneys for Defendant Magellan Behavioral Health, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically with the Court on this the 4th day of October, 2010 using the Court's CM/ECF system and which will serve notice of such filing to the following:

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